

REMARKS

Independent claim 1 now recites, *inter alia*:

a hockey stick shaft having:

- i) a structural element;
- ii) a viscoelastic material overlaying said structural element from a point adjacent the first end of the shaft to a point adjacent the second end;

iii) a non-structural element disposed on said viscoelastic material,

wherein said structural element is thicker than said non-structural element.

The Applicant respectfully submits that new claim 1 distinguishes over the cited prior art in the following manner.

Claim 1 is directed to a hockey stick shaft comprising a viscoelastic layer sandwiched between a structural element and a non-structural element. The Applicant respectfully submits that Conroy (US 6,241,633) does not teach the use of a viscoelastic layer as set forth and claimed by Applicant.

In addition, claim 1 recites that the thickness of the structural element is thicker than the thickness of the non-structural element. Applicant respectfully submits that as neither Conroy nor Cabales teach a hockey stick shaft comprising a structural element disposed on the interior of the shaft, and a non-structural element disposed on the exterior of the shaft. Each of Conroy or Cabales teach that each of their layers is structural. Further, neither Conroy nor Cabales teach that the thickness of the interior structural element is thicker than the thickness of the exterior non-structural element. Applicant therefore respectfully submits that as neither Conroy nor Cabales teach or suggest the use of the viscoelastic layer as provided, claim 1 as presented herewith is submitted not to be obvious.

Applicant therefore respectfully submits that claim 1 is patentably distinct from the teachings of Conroy and Cabales, whether taken individually or collectively.

Independent claim 10 now recites, *inter alia*:

a hockey stick shaft comprising

- i) a structural element having four flat surfaces;
- ii) a viscoelastic material disposed on said structural element wherein the thickness of said viscoelastic material on at least two of said surfaces is thicker than on the remaining surfaces;
- iii) a non-structural element disposed on said viscoelastic material.

New claim 10 is believed to distinguish over the prior art in the following manner:

Conroy does not teach the use of a viscoelastic material in relation to a hockey stick shaft, and in particular does not teach that the thickness of the viscoelastic material is thicker on two of the four faces of the shaft. Further, Cabales does not teach the use of a shaft having four flat side surfaces. In particular, Cabales does not teach that the thickness of the viscoelastic material may be thicker on two of the four side surfaces. Applicant therefore respectfully submits that neither Conroy nor Cabales disclose, teach, or suggest any incentive for the claim structure of independent claim 10. Applicant further submits that Cabales, in particular, teaches away from the use of a viscoelastic material by having different thicknesses on different side surfaces.

Claim 10 is submitted to be patentably distinct from the teachings of Conroy and Cabales, whether taken individually or collectively.

Independent claim 20 now recites, *inter alia*:

a composite hockey stick having:

- i) a structural element being overlaid with a layer of viscoelastic material from a point adjacent the first end of the stick to a point adjacent the second end.

New claim 20 is believed to distinguish over the cited prior art in the following manner:

Conroy does not teach the use of viscoelastic material. Further, Cabales does not teach of a viscoelastic material being disposed on the exteriormost four faces of a structural element. In particular, Cabales teaches only that a viscoelastic material is to be sandwiched between various different layers, and in particular between inner shaft 16a and outer shaft 16b (Cabales, column 3, lines 45 to 50). Applicant respectfully submits that neither Conroy nor Cabales teach the use of a viscoelastic layer disposed on the outside of a structural element, with no other layer disposed over the viscoelastic material. Applicant therefore respectfully submits that neither Conroy teach or Cabales teach or suggest the shaft construction as set forth in claim 20.

Claim 20 is therefore submitted to be patentably distinct from the teachings of Conroy and Cabales, whether taken individually or collectively.

Independent claim 25 now recites, *inter alia*:

a composite hockey stick shaft having:

- i) a single inner layer of fibers disposed within a matrix material;
- ii) a single inner of viscoelastic material disposed on the outside of the inner layer from a point adjacent the first end of the shaft to a point adjacent the second end;
- iii) a single inner outer layer of fibers disposed within a matrix material.

Applicant respectfully submits that new claim 25 distinguishes over the prior art in the following manner:

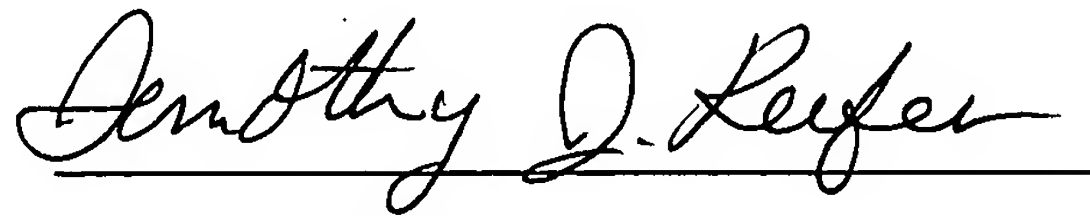
Conroy does not teach the use of a viscoelastic material. Further, Cabales does not teach a shaft construction having a single inner layer of fibers and a single outer layer of fibers

sandwiching a single layer of viscoelastic material. Cabales teaches of at least two inner layers and two outer layers sandwiching a layer of viscoelastic material. Applicant therefore submits that the structure of claim 25 is patentably distinct from the teachings of Cabales.

In view of the aforesaid claim amendments and distinguishing arguments it is believed that the present invention as claimed is patentable over the prior art of record.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Respectfully submitted,



Timothy J. Keefer

Reg. No. 35,567

Date: 6/10/05

SEYFARTH SHAW LLP
55 E. MONROE STREET
CHICAGO, ILLINOIS 60603
(312) 364-8000